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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/410,504	10/01/1999	JAMES HEDLEY WILKINSON	450110-02215	6958

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NEW YORK, NY 10151

EXAMINER

CZEKAJ, DAVID J

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/410,504

Applicant(s)

WILKINSON ET AL.

Examiner

Dave Czekaj

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 and 7. 6) ☐ Other: .

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because:
 - A. "(Figure 3)" randomly appears on the bottom of the page and should be removed.
 - B. The abstract should be limited to a single paragraph.
 - C. Form and legal phraseology often used in patent claims, such as "said", appearing in lines 5 and 6 should be avoided.

Correction is required. See MPEP § 608.01(b).

Claim Objections

3. Claims 1, 9, and 16 are objected to because of the following informalities:

Claim 1 is a run-on sentence which is difficult to read. The examiner suggests the placement of a comma in line 8, after the phrase "reference time".

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Regarding claim 9, dat in "said dat blocks" is understood to be "said data blocks".

Regarding claim 16, infon-nation in "said timing infon-nation" is understood to be "said timing information".

Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 25 is rejected under 35 U.S.C. 101 because the claim only recites a digital data signal. What the applicant claims is only what the signal comprises. The claimed signal does not define, describe, or refer to any useful, concrete, and tangible feature that would fall in one of the statutory classes of invention.

To expedite a complete examination of the instant application the claim rejected under 35 U.S.C. 101 (nonstatutory) above is further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section

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351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujii et al. (5966385), (hereinafter referred to as "Fujii").

Regarding claims 1 and 25, Fujii discloses an apparatus that filters TS packets multiplexed with a plurality of programs and sends the filtered packets to a decoder. This apparatus comprises "an encoder for encoding a digital signal comprising data blocks, each data block including a header containing data relating to the block" (Fujii: column 1, lines 14-23 and 63-64, and figure 3A, wherein the data blocks are formed from a coding procedure and the data blocks are contained in the TS packet and payload), "a plurality of slots, each slot having a slot header relating to the slot and a data packet containing successive parts of information from a source" (Fujii: column 2, lines 5-22 and figure 3B, wherein the PES packet is the slot, the PES header is the header, and the data packet is the program element), and "a first slot which contains a first packet containing a first part of the said information from the source also containing a reference time and each subsequent slot containing a subsequent packet of information from the said source also containing timing information defining the timing of the packet relative to the reference time" (Fujii: column 2, lines 1-22 and figures 3A-B). This apparatus also comprises an "encoder comprising a clock and means for deriving from the clock a reference time defining the time of production of the said first packet and for providing the reference time information

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in the said first slot" (Fuji: column 1, lines 14-23, column 2, lines 1-4, wherein the reference time is the PCR).

7. Claim 24 is rejected under 35 U.S.C. 102(e) as being anticipated by Hurst et al. (6141358), (hereinafter referred to as "Hurst").

Regarding claim 24, Hurst discloses a "transmission system in which MPEG 2 TS packets are transmitted via an SDTI system" (Hurst: column 2, lines 53-56, and figure 2, wherein the MPEG 2 TS packets are the sub-streams).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2-8 and 26-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujii et al. (5966385), (hereinafter referred to as "Fujii"), as applied to claims 1 and 25 in the above paragraph 6, and further in view of O'Grady (6195392).

Fujii discloses substantially the same encoder as above but lacks the coarse and fine timing information as claimed in claims 2 and 26. O'Grady teaches that current methods of generating PCR's contain expensive components. O'Grady discloses an apparatus that eliminates the need for these expensive components presently necessary in the state of the art PCR generators (O'Grady: column 1, line 66 to column 2, line 9). This apparatus comprises producing "coarse timing info" (O'Grady: column 6, lines 30-48,

wherein the coarse timing info is the result of the pixel frequency dividing by an integer m) and "fine timing info" (wherein the fine timing info is the program clock reference value base and extension). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Fujii and add the PCR generation method taught by O'Grady in order to obtain an apparatus that cost effectively encodes timing information into data blocks.

Regarding claim 3, O'Grady discloses an apparatus that receives "a clock signal, a modulo n counter which counts the clock signal and divides the clock signal frequency by n to produce the fine time information and a modulo m counter which counts the frequency divided clock signal produced by the modulo n counter, to produce the coarse time information" (O'Grady: column 6, lines 30-48 and figure 3, wherein the coarse timing info is the result of the pixel frequency dividing by an integer m and the fine timing info is the program clock reference value base and extension). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add the PCR generation specifics, i.e. the modulo counters, to obtain an apparatus that cost effectively encodes timing information into data blocks and help better synchronize that data.

Regarding claim 4, Fujii discloses "the clock signal frequency is $2.25n$ Mhz, where n is an integer" (Fujii: column 13, lines 26-27, wherein the clock signal frequency is 27 MHz which would correspond to an n integer value of 12).

Regarding claims 5-6, the specific values of the counters recited (12, 16, and 65536) would have been obvious variations in order to tweak the reference time so that the reference timing is closer to that of the TS program clock reference.

Regarding claim 7, Fujii discloses “a multiplexer for inserting the time information in the slots” (Fujii: column 1, lines 9-13).

Regarding claims 8 and 28, Fujii discloses “a means for inserting into the slot header a flag indicating whether the slot contains a first packet” (Fujii: column 2, lines 18-22, wherein the slot is the PES and the flag is the stream ID. Note, the stream ID indicates the element contents. If the stream ID contained no information, the PES would not contain a packet).

Regarding claim 27, O’Grady discloses that the “coarse and fine timing information are represented by separate words in the slot header” (O’Grady: column 1, lines 16-27, wherein the separate words are the set of flags that indicate the presence of optional fields such as PCR). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add the separate words in the slot header in order to better distinguish between the coarse and fine timing information.

Regarding claim 29, Fujii discloses a slot or PES header that “includes data indicating packet type” (Fujii: column 2, lines 9-12).

Regarding claim 30, Fujii discloses "data indicating packet type indicates one or both of packet length" (Fujii: column 2, lines 9-12, wherein packet length is the PES packet length).

Regarding claims 31 and 33, Fujii discloses packets that "include error correction data" (Fujii: column 2, lines 18-22, wherein the error correction data is CRC).

Regarding claim 32, Fujii discloses a slot or PES header that "includes data indication whether or not the slot contains error correction data" (Fujii: column 2, lines 9-12, wherein the "data indicator" is contained in other pieces of information).

10. Claims 16-23 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujii et al. (5966385), (hereinafter referred to as "Fujii"), as applied to claims 1 and 25 in the above paragraph 6, and further in view of Lenihan et al. (6169843), (hereinafter referred to as "Lenihan") and O'Grady (6195392).

Fujii discloses substantially the same encoder as above further including a decoder that has "means for detecting the timing information of the packets" (Fujii: column 2, lines 1-5). However Fujii lacks the clock setting means and comparing means and the coarse and fine timing information as claimed in claims 16 and 17. Lenihan teaches that a decoder can remove or ignore any null packets in incoming transport streams such that only valid packets are made available (Lenihan: column 7, lines 25-28). Lenihan discloses an apparatus that can generate or set the a time at which the packet was received relative to a

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system time clock (Lenihan: column 7, lines 35-38) and compare and output the times when the times are equal to a certain value (Lenihan: column 12, lines 9-25). O'Grady teaches that current methods of generating PCR's contain expensive components. O'Grady discloses an apparatus that eliminates the need for these expensive components presently necessary in the state of the art PCR generators (O'Grady: columns 1-2, lines 66-9). This apparatus comprises producing "coarse timing info" (O'Grady: column 6, lines 30-48, wherein the coarse timing info is the result of the pixel frequency dividing by an integer m) and "fine timing info" (wherein the fine timing info is the program clock reference value base and extension). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Fujii, add the decoder taught by Lenihan, and add the timing information taught by O'Grady in order to have the best control means possible over the transport streams.

Regarding claim 18, O'Grady discloses an apparatus that receives "a clock signal, a modulo n counter which counts the clock signal and divides the clock signal frequency by n to produce the fine time information and a modulo m counter which counts the frequency divided clock signal produced by the modulo n counter, to produce the coarse time information" (O'Grady: column 6, lines 30-48 and figure 3, wherein the coarse timing info is the result of the pixel frequency dividing by an integer m and the fine timing info is the program clock reference value base and extension). Therefore, it would have been obvious to one having

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ordinary skill in the art at the time the invention was made to add the PCR generation specifics, i.e. the modulo counters, to obtain an apparatus that cost effectively encodes timing information into data blocks and help better synchronize that data.

Regarding claim 19, Fujii discloses "the clock signal frequency is $2.25n$ Mhz, where n is an integer" (Fujii: column 13, lines 26-27, wherein the clock signal frequency is 27 MHz which would correspond to an n integer value of 12).

Regarding claims 20-21, the specific values of the counters recited (12, 16, and 65536) would have been obvious variations in order to tweak the reference time so that the reference timing is closer to that of the TS program clock reference.

Regarding claim 22, Fujii discloses "a decoder for use with a signal the slot header of which contains a flag indicating whether the slot contains a said first packet, the decoder comprising a demultiplexer for separating the flag and the packet, and means responsive to the flag for setting the clock to the reference time if the flag indicates a first packet" (Fujii: column 2, lines 5-12. column 12, lines 1-43, and figure 18 wherein the slot header is the PES header, the flag is the stream ID, the demultiplexer is the channel demultiplexer, and the means for setting the clock is carried out by the error flag delay circuit).

Regarding claim 23, Lenihan discloses that the "outputting means comprises a FIFO buffer" (Lenihan: figure 3A, items 316, 335, and 355).

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to add the FIFO buffer in order to obtain a method for outputting the packets at a desired time.

Regarding claim 34, Fujii discloses that the "slots of each block are of fixed length and have predetermined positions in the block" (Fujii: column 1, lines 60-65 and figures 3A-B, wherein the slots of the block have a fixed size of 188 bytes and have a position show in figures 3A-B).

11. Claims 9-15 and 35-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujii et al. (5966385), (hereinafter referred to as "Fujii"), as applied to claims 1 and 25 in the above paragraph 6, and further in view of Hurst et al. (6141358), (hereinafter referred to as "Hurst").

Fujii discloses substantially the same encoder as above but lacks the variable length data blocks as claimed in claim 9. Hurst teaches that blocks of data do not need to be evenly distributed or of similar size in order to be transported within an SDTI system (Hurst: column 3, lines 62-64, wherein the chunks are the blocks of data). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Fujii and add the variable length blocks taught by Hurst in order to obtain a more efficient transporting means.

Regarding claims 10 and 36, Fujii discloses "said slots are variable length slots" (Fujii: column 2, lines 5-7, wherein the slot is the PES packet and the variable length slot is the variable length packet).

Regarding claims 11 and 37, Fujii discloses “variable length slots that comprise slots containing metadata and slots containing data described by the metadata” (Fujii: column 2, lines 18-22 and figure 3B, wherein the metadata is the section header).

Regarding claims 12 and 38, note Fujii, figure 3B. The metadata slot “precedes the data slots containing the data described by the metadata” (wherein the metadata slot is the section header).

Regarding claims 13 and 39, note Fujii figure 3B. The metadata slot “contains metadata identifying a succeeding slot which contains a said first packet” (wherein the metadata slot is the section header).

Regarding claim 14 and 40, Fujii discloses “variable length slots that comprise a data field, a type field containing data describing the type of data in the data field, and a length field defining the length of the data in the data field (Fujii: column 2, lines 5-24, wherein the data field is the PES packet, the type field is the PES header, and the length field is the time stamp information (PTS)).

Regarding claim 15, Hurst discloses a serial data transport (SDTI) bitstream data structure carrying an MPEG information sub-stream (Hurst: figure 2). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add the SDTI to the encoder in order to allow the blocks to be placed on the high bitrate information stream.

Regarding claim 35, Hurst discloses data blocks are “variable length blocks” (Hurst: column 3, lines 62-64, wherein the variable length blocks are

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chunks that do not need to be similar in size). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add the variable length data blocks in order to accommodate data of varying size.

Regarding claim 41, Hurst discloses that "blocks and block headers conform to SDTI" (Hurst: column 8, lines 62-65). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to ensure the blocks conform to SDTI in order to allow the blocks to be placed on the high bitrate information stream.

Regarding claim 42, Hurst discloses that the "said packets are MPEG 2 TS packets" (Hurst: column 3, lines 40-41). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the packets MPEG2 TS packets in order to comply with the MPEG standards.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US-6233251	05-15-01	Kurobe et al.
US-6141358	10-31-00	Hurst, Jr. et al.
US-5966385	10-12-99	Fujii et al.
US-5781599	07-14-98	Shiga, Tomohisa
US-6195392	02-27-01	O'Grady, William J.

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US-5381181	01-10-95	Diess, Michael S.
US-5966387	10-12-99	Cloutier, Leo
US-6356567	03-12-02	Anderson et al.
US-6157674	12-05-00	Oda et al.
US-6169843	01-02-01	Lenihan et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Czekaj whose telephone number is (703) 305-3418. The examiner can normally be reached on Monday - Friday 9 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (703) 305-4856. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872 9314 for regular communications and (703) 872 9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

August 8, 2003


RICHARD LEE
PRIMARY EXAMINER